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A National Environmental/Energy Workforce Assessment National Legislation

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A National Environmental/Energy Workforce Assessment

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National Field Research Center, Inc.

P.O. Box 287

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NATIONAL ENVIRONMENTAL/ENERGY

WORKFORCE ASSESSMENT

NATIONAL LEGISLATION

Conducted by:

NATIONAL FIELD RESEARCH CENTER, INC.

Under Grant from:

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National
Field
Research
Center, Inc.

Box 287 Iowa City, Iowa 52240 (319) 351-8789

INTRODUCTORY NOTE

The National Environmental/Energy Workforce Assessment was conducted by National Field Research Center, Inc. with main offices in Iowa City, Iowa. The following personnel have had primary responsibility for the Assessment and project report.

IOWA CITY, IOWA
Dr. Darold E. Albright, President
Paul E. Bridges, Executive Director
Dr. Richard L. Benesh, Project Director
Judith J. Gordon
Alan M. Stowell
Anita M. Stowell
Mary Kay (Edge) Wade

ATLANTA, GEORGIA
Elizabeth G. Nielsen, Regional Director
Robert Oxberger

DENVER, COLORADO
Nancy C. Dillenberg, Regional Director

SEATTLE, WASHINGTON
Steven Silva, Regional Director

WASHINGTON, D.C.
Frank E. Smith, Project Coordinator
Lloyd B. Chaisson, Assistant Project Coordinator
Jack F. Seum

Additional research and clerical assistance was provided by Frederick M. Wall, Maxine Wolfe, Margaret Fehn, Sandra Hogsed, Karen Kirchoff, Sharon Leiker, Marilyn Low, Mary McCormac, and Joan Urquhart.

FIELD OFFICES

ATLANTA
2700 Cumberland Pkwy
Suite 150
Atlanta, GA 30339
(404) 433-2644

DENVER
2600 S. Parker Rd.
Suite 160, No. 6
Denver, CO 80232
(303) 751-4962

SEATTLE
927 United Pacific Bldg.
1000 2nd Ave.
Seattle, WA 98101
(206) 623-9170

WASHINGTON, D.C.
1522 K Street, N.W.
Suite 600
Washington, D.C. 20005
(202) 223-9138

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PREFACE

The following abstracts of federal environmental legislation were developed as a part of a National Environmental/Energy Workforce Assessment. An attempt has been made to deal with major legislation in each of the eight program areas being studied.

For the most part, these laws are administered by the Environmental Protection Agency; however, the Federal Energy Administration is active in the energy area, and the Atomic Energy Commission and Nuclear Regulatory Commission have roles in controlling radiation. Also, the Department of Commerce and the Coast Guard enforce many off-shore water pollution control efforts.

Much of the legislation for which citations are given is directly involved with conservation and is administered by the Department of the Interior.

GENERAL

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16. ABSTRACT

This study is one of 70 volumes assessing the workforce needs (manpower needs) for pollution control and abatement in the United States for the five-year period of 1976 through 1981. Seven fields for pollution control — air, noise, pesticides, potable water, radiation, solid waste, and wastewater — are analyzed, together with energy-related programs currently accentuated by the national effort to solve energy supply problems.

Designed as Phase I of a three-phase program, the complete assessment includes the following volumes: one each for the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands; one for each of the ten EPA regions; a one-volume National Abstract; a volume on National Legislation; a volume on Business and Industry; and a four-volume National Summary. The information was gathered through extensive personal interviews with responsible federal, state, and local officials in every state; with officials of representative private industrial and commercial firms; and with representatives of national industrial and trade organizations.

Phase II will develop a broad national inventory of the entire range of post-secondary and higher education training offered in the pollution control and energy areas cited above, and Phase III will offer demonstrations for curriculum changes or modifications which appear necessary to assure an adequate and properly trained national environmental/energy workforce.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS		b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group
Planning Regional Planning State Planning State Agencies Federal Government Planning Labor Force Manpower Forecasting	Employment Economic Surveys Energy Management Pollution Control Environmental Management Environmental Education Environmental Sciences Conservation Environment	National Environmental/Energy Workforce Assessment	

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National Environmental Policy Act of 1969
Public Law 91-190
42 U.S.C. 4321

The National Environmental Policy Act (NEPA), which became effective in 1970, represents a major statement of Congressional purpose in the field. It is often said to amount to a Bill of Rights in the environmental area.

The three major provisions of the Act are:

1) a Congressional declaration of a national environmental policy;

2) environmental impact statement and improved planning requirements for Federal government; and

3) creation of the Council on Environmental Quality.

NEPA has possibly been the basis for more litigation than any other environmental legislation. This is due, in part, to its broad statement of purpose and, in part, to the environmental impact statement (EIS) requirements. A broad range of public and private organizations have been involved in environmental lawsuits challenging agency action by which they may be "adversely affected." The failure to prepare or the question of adequacy of an EIS has been the focus of much litigation.

As set forth in Section 2 of NEPA, the purposes of the Act are:

> To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological system and natural resources important to the nation; and to establish a Council on Environmental Quality.

Section 101: Congressional Declaration of National Environmental Policy

- In broad terms,the policies and responsibilities of the Federal, state, and local governments are set forth.

- It is projected that through planning and assistance, it will be possible "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Section 102: Cooperation of Agencies; Reports; Availability of Information

- Imposes on Federal agencies the obligations to cooperate on environmental matters, to consider environmental effects in all decision-making, and to make information available on maintaining and enhancing the quality of the environment.

- Requires, on all reports which propose actions "significantly affecting" the quality of the environment, a detailed statement on the environmental impact of the proposed action; in addition, adverse effects and alternatives must be proposed.

Section 103: Conformity of Administrative Procedures to National Environmental Policy

- All Federal agencies must review authority, regulations, and policies to bring them into conformity with NEPA.

Section 201: Reports to Congress; Recommendations for Legislation

- Requires the President to annually report to Congress on the status of various environmental matters, current trends, adequacy of available natural resources, review of environmental program activities, and recommendations to remedy deficiencies.

Section 202: Establishment; Membership; Chairman; Appointments

- Creates a Council on Environmental Quality within the Executive Office of the President; composed of three members "well qualified to analyze and interpret

environmental trends and information" and who can help "to formulate and recommend national policies to promote the improvement of the quality of the environment."

Section 204: Duties and Functions

. Duties of the Council include:

-assisting in preparation of the Environmental Quality Report;

-gathering information on the quality of the environment;

-reviewing Federal programs in light of formulated policies;

-making recommendations to the President concerning environmental improvement.

Environmental Education Act of 1970, as Amended
Public Law 91-516
20 U.S.C. 1531

Concurrent with increased interest in the environment and the passage of many new laws in this field, there was recognized the need to improve educational opportunities in environmental fields. The Environmental Education Act was passed in 1970 in response to this need.

The Act was designed to provide support, both in general public understanding of environmental policies, and in technical activities associated with environmental quality. An Office of Environmental Education and an Advisory Council on Environmental Education are both created by the Act. Appropriations authorized to carry out the Act include $15,000,000 for the fiscal year ending June 30, 1977.

Section 1: Short Title - Environmental Education Act

Section 2: Statement of Findings and Purpose

- The findings note the deterioration of the Nation's environment is due in part to lack of understanding, and an educational effort is needed to alleviate this.
- Purposes of the Act include the development, demonstration and dissemination of environmental curricular material, and for new and improved training efforts dealing with the environment and ecology.

Section 3: Environmental Education

- An Office of Environmental Education is established within the Office of Education to administer the Act.
- "Environmental education" is defined as "the educational process dealing with man's relationship with

his natural and manmade surroundings, and includes the relation of population, pollution, resource allocation and depletion, conservation, transportation, technology, economic impact, and urban and rural planning to the total human environment."

. The Act is to be carried out through a grants program to institutions of higher education, state, local and regional education agencies, and other nonprofit educational organizations.

. Guidelines for funding activities which correspond to the purposes of the Act are set forth.

. The Advisory Council on Environmental Education, consisting of at least three students in its 21 members, is created to make recommendations and evaluate programs.

Section 4: Technical Assistance

. Provision is made for the Secretary of HEW to provide technical assistance to grantees in carrying out the Act.

Section 5: Small Grants

. Authority is given to make grants up to $10,000 to nonprofit organizations to engage in adult and community environmental education.

Section 6: Administration

Section 7: Authorization

Toxic Substances Control Act of 1976
Public Law 94-469
15 U.S.C. 2601

The Toxic Substances Control Act authorizes EPA to obtain production and test data on certain chemical substances and mixtures, and to regulate the substances when necessary. Chemicals used exclusively in pesticides, food, food additives, drugs, and cosmetics are exempted from the Act.

Through regulation, the EPA Administrator is authorized to prohibit the manufacture, distribution and use of chemical substances if an unreasonable risk to health or environment is presented. A procedure for testing harmful chemicals is set forth, as is a premarket notification procedure for the manufacture of new chemical substances.

The Act prohibits all production of PCB's after January 1979, and all distribution of PCB's after July 1979.

Section 1: Short Title - Toxic Substances Control Act

Section 2: Findings, Policy, and Intent

- The findings note the common exposure of humans and the environment to a large number of chemicals many of which present an unreasonable risk of injury to health or the environment.
- The Act is designed to establish authority to regulate, as needed, these chemicals.

Section 3: Definitions (including the following)

- The term "chemical substance" means any organic or inorganic substance of a particular molecular identity, but does <u>not</u> include
  - -any mixture,
  - -any pesticide,
  - -tobacco or any tobacco product,

-any source material, special nuclear material, or byproduct material (as defined in the Atomic Energy Act), and
-any food, food additive, drug, cosmetic, or device (as defined in the Food Drug and Cosmetic Act).

Section 4: Testing of Chemical Substances and Mixtures

. The EPA Administrator is authorized to establish regulations for chemical substance testing when a risk to health or environment may be present and such data is not available.

. Characteristics of chemical substances for which standards may be established include persistence, acute toxicity, subacute toxicity, chronic toxicity, and any other characteristic which may present a risk.

. Test data must be filed with the EPA Administrator for review and appropriate action.

. A committee is established to develop a priority list of chemical substances for action, with particular attention to those related to cancer, gene mutations, or birth defects.

Section 5: Manufacturing and Processing Notices

. Notice guidelines are established for persons who manufacture or process regulated chemical substances. Test data must be submitted at the time of notice and restrictions may be placed on the manufacture or process involved.

Section 6: Regulation of Hazardous Chemical Substances and Mixtures

. The EPA Administrator is authorized to promulgate rules which may go so far as to prohibit the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture.

. Special rules concerning the disposal and use of PCB's are called for, and the use and production of PCB's is prohibited after 1979.

Section 7: Imminent Hazards

. EPA Administrator is given authority to seize imminently hazardous chemical substances and to obtain appropriate judicial relief.

Other Sections:

. The Act calls for expanded research activities, record-keeping by manufacturers and processors, authorizes citizen civil actions, and establishes a schedule of criminal and civil penalties.

AIR

Clean Air Act and Amendments of 1970
Public Law 88-206, 89-272, 89-675, 90-148, 91-604
42 U.S.C. 1857

Initially the Federal air pollution control effort did not match that of the water pollution field. But passage of the Clean Air Act of 1970, which amended legislation of 1963, 1965, 1966 and 1967, greatly broadened the nation's air pollution control program.

The first Federal action in the air pollution field was the Air Pollution Act of 1955; this law authorized some research activities and established the policy that state and local governments had basic responsibility for dealing with air pollution problems. The Clean Air Act of 1963 was significant in its recognition of air pollution as more than a local problem. The 1963 Act authorized a grant program to support the control efforts of state and local agencies, and, for the first time, provided for Federal enforcement of interstate air pollution problems.

The Motor Vehicle Pollution Control Act of 1965 amended the Clean Air Act and had as its major provision the authorization of national regulation of motor vehicle emissions. Technical advancements and California's early law dealing with automotive air pollutants showed the feasibility of such an effort. Beginning with 1968 models, new automobiles were required to meet Federal standards for hydrocarbons and carbon monoxide. The 1965 Act also authorized expanded research, provided for the investigation of new air pollution sources, and took steps toward the abatement of international air pollution.

Amendments in 1966 expanded earlier grant activities. The Air Quality Act of 1967 further amended the 1963 Act. The Air Quality Act called for the designation of broad atmospheric areas and air quality control regions. Other provisions of the 1967 Act dealt with the curtailment of air pollution during emergencies, continuation of Federal control of motor vehicle pollutants, and studies of emission standards for stationary air pollution sources.

The 1970 amendments to the Clean Air Act represent drastic revisions of the Federal role in air pollution control. Two major provisions of the 1970 legislation call for EPA to establish national air quality standards and for a roll-back of auto pollution levels. Primary air quality standards were designated as those necessary to protect human health and secondary standards as those to protect the public welfare by reducing damage to animals, vegetation and materials. Stringent new standards were imposed on automobile emissions of hydrocarbons, carbon monoxide and nitrogen oxides. The 1970 Act additionally requires EPA to set standards for new stationary sources of air pollution and for facilities releasing hazardous substances into the atmosphere.

Short Title - Air Quality Act of 1967 - Clean Air Amendments of 1970

Title I Air Pollution Prevention and Control

Section 101: Findings and Purposes

. Congressional findings cited include: that there is a need for a regional approach to air pollution; that air pollution "has resulted in mounting dangers to the public health and welfare"; and "that the prevention and control of air pollution at its source is the primary responsibility of state and local governments."

. Purposes of the Act include protection of the quality of the nation's air and to provide technical and financial assistance to state and local government.

Section 102: Cooperative Activities and Uniform Laws

. Encourages cooperative activities by state and local governments in dealing with air pollution, and authorizes interstate compacts for this purpose if not in conflict with federal law or treaty.

Section 103: Research, Investigations, Training, and Other Activities

. EPA is to establish a national research and development program for the prevention and control of air pollution including collection and publication of information, making of grants, and studying the effects of air pollution.

* The EPA Administrator is directed to give special attention to the short- and long-term effects of air pollutants on public health and welfare.

Section 104: Research Relating to Fuels and Vehicles

. EPA is directed to give special emphasis to research and development to prevent and control air pollution resulting from the combustion of fuels.

* Specifically noted is the need for low-cost techniques for:

control of combustion by products of fuels; removal of potential air pollutants prior to combustion;

control of emissions from fuel evaporation; improving fuel combustion efficiency; production of synthetic new fuels.

Section 105: Grants for Support of Air Pollution Planning and Control Programs

. Establishes a grant program of two-thirds for new and one-half for maintenance operations in attaining ambient air quality standards. These support amounts are three-fourths and three-fifths, respectively, for joint-municipal efforts.

Section 106: Interstate Air Quality Agencies or Commissions

* Section 107: Air Quality Control Regions

. "Each state shall have the primary responsibility for assuring air quality within the entire geographic area comprising such state by submitting an implementation plan for such state which will specify the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in such state."

* Section 108: Air Quality Criteria and Control Techniques

. Authorizes EPA Administrator to identify air pollutants, issue criteria concerning such pollutants, and make recommendations on control techniques.

Section 109: National Ambient Air Quality Standards

. Directs EPA Administrator to promulgate national primary and secondary ambient air quality standards.

. Primary standards are those necessary to protect public health; secondary standards are those necessary to protect public welfare from any known or suspected adverse effects of a particular pollutant.

* Section 110: Implementation Plans

. Establishes guidelines for state plans to be submitted to attain primary and secondary ambient air quality standards. Such plans must provide for attainment of primary standards within three years.

* Section 111: Standards of Performance for New Stationary Sources

* Section 112: National Emission Standards for Hazardous Air Pollutants

. Authorizes EPA Administrator to identify hazardous air pollutants and make recommendations on control techniques.

. A "hazardous air pollutant" is one for which no ambient air quality standards are applicable because of the potential danger of the pollutant.

Other Sections:

. Provide for Federal and state control in the air pollution abatement and maintenance activities, including compliance orders, civil proceedings, and criminal proceedings.

Title II National Emission Standards Act

Section 201: Short Title - National Emission Standards Act

* Section 202: Establishment of Standards

. Authorizes EPA Administrator to promulgate emission standards for various classes of new motor vehicles.

. Calls for a 90% reduction of carbon monoxide and hydrocarbons from model years 1970 to 1977. (Delayed from 1975 by 1974 Amendment.)

. Calls for a 90% reduction of nitrogen oxides from model years 1970 to 1978. (Delayed from 1976 by 1974 Amendment.)

* Other Sections:

. Compliance testing and certification procedures are established for attaining standards of emission limitation.

. Provisions and guidelines are enacted for the enforcement of motor vehicle emission standards, and a schedule of penalties set up.

. Registration and regulation of fuels and fuel additives are authorized insofar as they have a significant impact on air pollution and emission standards.

. Special incentives are set forth for the production, certification and government purchase of low emission vehicles.

. Aircraft emission and aviation fuel standards are enacted.

Title III General

* Section 303: Emergency Powers

. EPA Administrator is given emergency authority to stop air pollution which endangers public health.

* Section 304: Citizen Suits

. Private citizens are given access to federal courts concerning violations of emission standards or other orders promulaged by EPA Administrator.

* Provision in Clean Air Amendments of 1970.

NOISE

Noise Control Act of 1972
Public Law 92-574
42 U.S.C. 4901

The Noise Control Act of 1972 represents the first major Federal attempt to eliminate excess noise at the design stage of a wide variety of new consumer products. The Act is comprehensive enough in nature that it brings most new sources of noise under Federal regulation. While the Federal Aviation Administration retains jurisdiction over aircraft noise, EPA is given an advisory role in controlling this source of noise.

EPA is directed by the Act to develop and publish information on the limits of noise required for protecting public health and welfare. Major sources of noise and techniques for controlling noise are also to be identified. The Act required EPA to set noise emission standards for such products as construction equipment, non-aircraft transportation equipment, all motors and engines, and electrical and electronics equipment. Additionally, noise emission standards are to be prescribed for the operation of equipment and facilities of interstate railroads, trucks, and buses.

Section 1: Short Title - Noise Control Act of 1972

Section 2: Findings and Policy

. Findings. That inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population; and that Federal action is essential to deal with major noise sources in commerce, and other products, control of which requires national uniformity of treatment.

. Policy. It is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare by: effectively coordinating Federal research and activities in noise control; establishing Federal noise emission standards for products distributed in commerce; and providing information to the public respecting the noise emission and noise reduction characteristics of such products.

Section 3: Definitions

. The term "environmental noise" means the intensity, duration, and character of sounds from all sources.

Section 4: Federal Programs

. Directs Federal agencies to administer programs in a manner to reduce noise consistent with their authorities.

. Requires each Federal agency to comply with Federal, State, interstate and local requirements for noise control unless exempted by the President.

. Requires EPA to coordinate all Federal programs relating to noise research and noise control.

Section 5: Identification of Major Noise Sources, Noise Criteria and Control Technology

. Requires EPA to publish criteria which reflect the kind and extent of all identifiable effects on the public health or welfare resulting from differing quantities and qualities of noise and to publish information on levels of environmental noise which in defined areas under various conditions are requisite to protect the public health and welfare with an adequate margin of safety (within 12 months).

Section 6: Noise Emission Standards for Products Distributed in Commerce

. EPA is given authority to prescribe and amend standards limiting noise generation characteristics for any product or class of products which has been identified as a major source of noise and which falls in the following categories: construction equipment, transportation equipment (including recreational vehicles), any motor or engine, and electrical or electronic equipment.

Section 7: Aircraft Noise Standards

. Requires EPA to do a study of: the adequacy of FAA flight and operational noise controls; adequacy of present aircraft noise emissions standards (including recommendations on retrofit); implications of achieving levels of cumulative noise exposure around airports; and additional measures available to airport operators and local governments to control noise.

Section 8: Labeling

. For any product which a) emits noise capable of adversely affecting the public health or welfare, or b) is sold wholly or in part on the basis of its effectiveness in reducing noise, the EPA must require the manufacturer of such product to give notice of the noise level or its effectiveness in reducing noise to the consumer. EPA's regulations must indicate the form of such notice and method and unit of measurement must be prescribed.

Section 10: Prohibited Acts

. Manufacturers are prohibited from distributing products which do not conform with an applicable labeling or noise emission regulation after the effective date of such applicable regulation. All persons are prohibited from removing a noise reduction device from a product in compliance with a noise emission regulation and from removing a label before sale to the ultimate purchaser.

Section 14: Research, Technical Assistance and Public Information

. EPA is authorized to: 1) conduct and finance research on psychological and physiological effects on humans, on the effects of noise on animals, wildlife and property, and to determine acceptable levels of noise, development of improved methods for measurement and monitoring of noise, and determination of the most effective and practicable means of controlling noise, 2) provide technical assistance to State and local governments to facilitate their development and enforcement of ambient noise standards including advice on training of personnel and on selection and operation of noise abatement equipment, and preparation of model legislation, and 3) disseminate public information on effects, acceptable levels and techniques for measurement and control of noise.

Section 17: Railroad Noise Emission Standards

. After consultation with the Department of Transportation, EPA is required to promulgate regulations for surface carriers engaged in interstate commerce, including regulations governing noise emission from the operation of equipment and facilities of such carriers.

Section 18: Motor Carrier Noise Emission Standards

. The provisions of this section are nearly identical to Section 17 except that they apply to "a common carrier by motor vehicle, and a private carrier of property by motor vehicle as those terms are defined in the Interstate Commerce Act (49 U.S.C. 303 (a))."

PESTICIDES

Federal Environmental Pesticide Control Act of 1972
as amendments to Federal Insecticide, Fungicide,
and Rodenticide Act of 1947
Public Law 92-516
7 U.S.C. 136

Federal involvement with pesticide control began with passage of the Insecticides Act of 1910. This Act sought to prevent the manufacture, sale or transportation of adulterated or misbranded insecticides and fungicides.

More comprehensive legislation followed in the form of the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (FIFRA). FIFRA was originally administered by the Department of Agriculture until 1970, when authority was transferred to the newly created EPA. Registration of pesticides was the key to FIFRA, and the Act contained the following major provisions:

1) The registration of economic poisons prior to their sale or introduction into interstate or foreign commerce.

2) The inclusion of information for the protection of the public against poisoning by requiring prominently displayed poison warnings on the labels of highly toxic economic poisons.

3) A requirement for the coloring or discoloring of dangerous white powdered economic poisons to prevent their being mistaken for flour, sugar, salt, baking powder, or other similar articles used in the preparation of foodstuffs.

4) A requirement that warning or caution statements be contained on the label of the economic poison to prevent injury to living man, other vertebrate animals, vegetation, and useful invertebrate animals.

5) The inclusion of instructions for use to provide adequate protection for the public.

6) A condition declaring economic poisons to be misbranded if they are injurious to man, vertebrate animals, or vegetation, except weeds, when properly used.

7) A requirement that information be furnished with respect to the delivery, movement, or holding of economic poisons and devices.

The Federal Environmental Pesticide Control Act of 1972 (FEPCA) substantially amends FIFRA. Specifically, FEPCA prohibits the misuse of any registered or regulated pesticide that moves in intrastate commerce. The Act requires the proper application of pesticides and extends Federal registration and regulation to all pesticides, including those used or distributed within a single state.

Section 1: Short Title - Federal Environmental Pesticide Control Act of 1972

Section 2: Definitions (including the following)

. The term "certified applicator" means any individual who is certified under Section 4 as authorized to use or supervise the use of any pesticide which is classified for restricted use.

. The term "private applicator" means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

. The term "commercial applicator" means a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or any property other than as provided by paragraph [re: private applicator].

Section 3: Registration of Pesticides

- All pesticides distributed, sold or transported must be registered with the EPA with such information as the name of the pesticide, the labeling of the pesticide, test data on which claims are based, a formula of the pesticide, and a request that it be for general or restricted use.

- As pesticides are registered, EPA must classify them as for general use, restricted use, or both; such classification shall be based on common use practices and their potential adverse effect on the environment.

Section 4: Use of Restricted Use Pesticides; Certified Applicators

- Provides that the EPA Administrator shall prescribe standards for the certification of pesticide applicators; but specifies that private applicators shall be certified by completing a certification form.

- Establishes standards for state plans to certify pesticide applicators, which plans must meet EPA guidelines.

- Directs that material on integrated pest management be available as part of state plan and certification procedure.

Section 11: Standards Applicable to Pesticide Applicators

- Licensing and certification standards must be separate for commercial and private applicators, and private applicators cannot be required to maintain records or file reports.

Section 12: Unlawful Acts

- Prohibits the distribution, sale or transportation of unregistered pesticides or of registered pesticides not in conformance with their registrations.

- Prohibits violations of other provisions of the Act, including the alteration of pesticides or pesticide labels.

Section 13: Stop Sale, Use, Removal, and Seizure

- Authorizes the EPA Administrator to issue "stop sale, use, and removal" orders for pesticides which violate any provisions of the Act, or for those which have had the registration suspended or finally cancelled.

- Establishes court seizure procedures for adulterated, misbranded, unregistered, improperly labeled, or exceptionally harmful pesticides.

Other Sections:

- Establishes a schedule of civil penalties, including up to $5,000 for commercial applicators and $1,000 for private applicators.

- Establishes a schedule of criminal penalties including up to $25,000 and one year in prison for commercial applicators and $1,000 and 30 days in prison for private applicators.

- Provides for the registration with EPA of pesticide manufacturing plants, together with information on types and amounts produced, distributed and sold.

- Authorizes EPA to issue experimental use permits for pesticide research and alternatives.

- Authorizes the EPA Administrator to establish regulations for the disposal or storage of packages and containers of pesticides and of excess amounts of such pesticides.

- Sets up a pesticide monitoring plan of air, soil, water, man, plants and animals.

- Sets forth various effective dates for different provisions of the Act, including an October 21, 1976 (later extended to October 21, 1977) deadline for certification of applicators.

POTABLE WATER

Safe Drinking Water Act of 1974
Public Law 93-523
42 U.S.C. 300

The Safe Drinking Water Act of 1974 was designed to assure that water supply systems serving the public meet minimum national standards for protection of public health. It marks the first national effort in the drinking water area.

The Act authorizes EPA to set minimum national drinking water regulations for all public water systems throughout the United States. A "public water system" is defined as one having at least 15 service connections or regularly serving at least 25 individuals. The act specifies that the States are to play the lead role in enforcing the regulations promulgated by EPA.

Drinking water regulations can be either of two types: primary or secondary. Primary regulations are those designed to protect public health, giving consideration to cost; secondary regulations are designed to protect public health, and deal with taste, odor, and appearance of drinking water. Additionally, the 1974 Act places new restrictions on the underground injection of fluids in order to prevent endangering underground sources of drinking water.

Section 1: Short Title - Safe Drinking Water Act

Section 1401: Definitions (including the following)

. The term 'primary water regulation' means a regulation which:

1) applies to public water systems;

2) specifies contaminants which, in the judgment of the Administrator, may have any adverse effect on the health of persons;

3) specifies for each such contaminant either:

   a) a maximum contaminant level, if, in the judgment of the Administrator, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems, or

   b) if, in the judgment of the Administrator, it is not economically or technologically feasible to so ascertain the level of such contaminant, each treatment technique known to the Administrator which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of section 1412; and

4) contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels; including quality control and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to (a) the minimum quality of water which may be taken into the system and (b) siting for new facilities for public water systems.

. The term 'secondary drinking water regulation' means a regulation which applies to public water systems and which specifies the maximum contaminant levels which, in the judgment of the Administrator, are requisite to protect the public welfare. Such regulations may apply to any contaminant in drinking water (1) which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of the persons served by the public water system providing such water to discontinue its use, or (2) which may otherwise adversely affect the public welfare. Such regulations may vary according to geographic and other circumstances.

. The term 'public water system' means a system for the provision to the public of piped water for human consumption, if such system has at least fiteen service connections or regularly serves at least twenty-five individuals. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Section 1411: Coverage

. With limited exceptions, the national primary drinking water regulations apply to each public water system in each state.

Section 1412: National Drinking Water Regulations

. Authorizes the EPA Administrator to promulgate interim primary drinking water regulations to protect the public health and to take effect within 18 months.

. Authorizes the EPA Administrator to establish rules setting recommended maximum contaminant levels and to revise primary drinking water regulations in accordance with these levels.

. Gives the EPA Administrator the authority to promulgate national secondary drinking water regulations.

Section 1413: State Primary Enforcement Responsibility

. The states are given primary enforcement responsibilities for public water systems when it is shown that their regulations are at least as stringent as those promulgated under Section 1412, and are in compliance with other standards of the Safe Drinking Water Act.

Section 1414: Failure by State to Assure Enforcement of Drinking Water Regulations

. Establishes a procedure for EPA assistance and enforcement in states not in compliance with their primary enforcement obligations.

. Sets forth means by which the Administrator can bring states into compliance through civil actions.

Section 1415: Variances

. Notwithstanding other provisions, states may grant variances from primary drinking water regulations when cost and technology will not allow the requirements to be met and when there is no unreasonable risk to health.

. Notice and public hearing requirements must be complied with before any variance is issued.

. All variances are to be periodically reviewed by the Administrator with regard to discretion involved and compliance schedules.

Section 1416: Exemptions

. States with primary enforcement responsibility may exempt a public water system from certain maximum contaminant level or treatment technique requirements when there is no unreasonable risk to health.

. Contains the same notice, hearing and review requirements as Section 1415.

Section 1421: Protection of Underground Sources of Drinking Water--Regulations for State Programs

. Authorizes the EPA Administrator to promulgate standards for state underground injection control programs.

. Specifies that underground injection shall be prohibited except by permit and shall in no case be allowed if it endangers drinking water sources.

. "Underground injection" means the subsurface emplacement of fluids by well injection.

Section 1422: State Primary Enforcement Responsibility

. States are to be designated that EPA feels need an underground injection control program, and provides guidelines for approval of state programs.

Section 1423: Failure of State to Assure Enforcement of Program

- Establishes a procedure for EPA enforcement in states not in compliance with underground injection control programs.

Other Sections:

- Gives EPA emergency powers in regard to contaminants in public water systems that may endanger public health.
- Authorizes research on technological and health aspects of providing safe drinking water.
- Provides for assistance to states in improving their drinking water programs.
- Establishes the National Drinking Water Advisory Council to advise EPA on implementation of the Act.

RADIATION

Radiation Control for Health and Safety Act of 1968
Public Law 90-602
42 U.S.C. 263b

Because of their nature, nuclear energy and radiation have been heavily legislated and regulated since radiation sources and uses became common in the 1950s. The major federal law regulating radiation is the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011). The Act creates the Atomic Energy Commission (AEC) giving it broad regulatory and licensing authority with respect to source materials, by-product materials, special nuclear materials, and facilities.

The basis for AEC regulation is the control of radiation exposure levels. AEC sets on-site licensee exposure levels and EPA sets off-site levels. The AEC also issues licenses for general activity involving nuclear materials subject to various safety, reporting and inspection requirements. AEC can transfer licensing authority for small risk nuclear materials to states which meet certain requirements. (There are currently 25 such agreement states.) Additionally,the Act requires nuclear reactor facilities to be licensed. Because of risk and waste disposal problems, facility licenses have very strict standards with a two-step construction/operation procedure.

The Atomic Energy Act did not attempt to deal with radiation from electronic products and similar sources; the Radiation Control for Health and Safety Act of 1968 was passed to deal with these problems. The main portion of the Act represents amendments to Title III of the Public Health Services Act. Safety and performance standards are

set up for radiation-emitting electronic products. Imported products are required to meet the same standards and Congressional reporting requirements are set forth.

The Nuclear Regulatory Commission (NRC), created by the Energy Reorganization Act of 1974, now administers the "agreement states" provision of the Atomic Energy Act. In addition, EPA and NRC have the major responsibility for enforcement of the Radiation Control for Health and Safety Act of 1968.

Section 1: Short Title - Radiation Control for Health and Safety Act of 1968

Section 2: Amendments to the Public Health Services Act, Sections 354-360

Section 354: Purpose

- In order to protect the public health and safety, an electronic product radiation control program needs to be established.

Section 355: Definitions (including the following)

- The term "electronic product radiation" means any ionizing or non-ionizing electromagnetic or particulate radiation or any sonic, infrasonic, or untrasonic wave which is emitted from an electronic product as the result of an electronic circuit in such product.

Section 356: Electronic Product Radiation Control Program

- An electronic product radiation control program is to be established including performance standards, research on minimization of exposure and collect radiation data.

Section 357: Studies

. Studies are to be conducted concerning health hazards from electronic product radiation and other ionizing radiation, focusing on

-materials not covered by the Atomic Energy Act,

-need to control the sale of some electronic equipment,

-methods to control health hazards,

-the role of states in radiation control, and

-the need for nonmedical product standards.

Section 358: Performance Standards for Electronic Products

. Authority is given to prescribe emission standards from electronic products when necessary to protect public health and safety. Testing and warning labels may be required as a part of such process.

. Notice and hearing procedures are established for persons affected by performance standards.

. A Technical Electronic Product Radiation Safety Standards Committee is created to advise on performance standards.

Section 359: Notification of Defects in and Repair or Replacement of Electronic Products

. A duty is imposed on manufacturers to report all defects and failures to comply of products to the government, distributors, and purchasers.

. Similar notification requirements are imposed for defects found through government testing.

. Repair, replacement, or refund obligations are imposed on manufacturers of defective or non-complying products.

Section 360: Imports

- Performance standards under the Act apply also to imported products.

Section 360A

- Authority is granted for inspection of factories, warehouses, and other establishments to enforce the Act.

- Recordkeeping, test data, and purchase information are required to be kept by manufacturers and dealers of electronic products.

Other Sections

- A series of prohibited acts and criminal and civil penalties is established.

- Authority is given for joint federal-state cooperation and enforcement of the Act.

SOLID WASTE

Solid Waste Disposal Act of 1965, As Amended
Public Law 89-272 (Title II), 91-512, 93-14, 93-611
42 U.S.C. 3251

The Solid Waste Disposal Act of 1965 marked the beginning of Federal involvement in this environmental field. The Act was necessitated by "an ever-mounting increase...of the mass of material discarded; technical problems in the disposal of solid wastes; inefficient and improper methods of disposal of solid wastes; and the failure or inability to salvage and reuse such materials". Among the purposes of the Act is "to promote the demonstration, construction, and application of solid waste management and resource recovery systems which preserve and enhance the quality of air, water, and land resources".

Originally, the Solid Waste Disposal Act was administered jointly by the Bureau of Solid Waste Management with the Department of Health, Education and Welfare and the Bureau of Mines within the Department of the Interior. The main thrust of early activity under the Act was in the area of research and demonstration activity to promote the reduction and recovery of solid waste.

In 1970, authority for administering the Act was transferred to the newly created Environmental Protection Agency. That same year Public Law 91-512 shifted the solid waste emphasis from disposal management to recovery and recycling. Again, the area stressed was the award of grants for studies and demonstration projects for:

> Sec. 204(a)(4) - "The development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering materials and energy from solid wastes."

Section 201: Short Title - Solid Waste Disposal Act

Section 202: Finding and Purposes

- Outlines Congressional findings including such items as increased discarding, inefficient disposal, and the feeling that solid waste disposal is primarily of local concern.

- Sets forth purposes as the promotion of innovative management and recovery systems and the provision of technical and financial assistance in these areas.

Section 2[illegible] Definitions (including the following)

- The term "solid waste" means garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

- The term "recovered resources" means materials or energy recovered from solid wastes.

- The term "resource recovery system" means a solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues.

Section 204: Research, Demonstration, Training, and Other Activities

- Authorizes financial and other assistance in regard to adverse effects of solid waste, solid waste management and reduction, new collection and disposal techniques, and the identification of energy recoverable solid waste.

Section 205: Special Study and Demonstration Projects on Recovery of Useful Energy and Materials

- Authorizes government studies concerning means of solid waste material and energy recovery, product changes to reduce solid waste, incentives to encourage recycling, and costs of disposal.

Section 206: Interstate and Interlocal Cooperation

. Encourages state and local cooperation in the solid waste area.

Section 208: Grants for Resource Recovery Systems and Improved Solid Waste Disposal Facilities

. Establishes a program of 75% grants for the demonstration of certain resource recovery systems.

Section 210: Grants or Contracts for Training Projects

. Establishes a grant program to develop or carry out programs for training persons in solid waste and resource recovery systems.

Section 212: National Disposal Sites Study

. Provides for planning and creating a system of national disposal sites for a variety of hazardous wastes.

Resource Conservation and Recovery Act of 1976
Public Law 94-580
42 U.S.C. 6901

The latest Federal legislation in the solid waste area is the Resource Conservation and Recovery Act of 1976. Major provisions of the Act deal with three important areas: Hazardous Waste Management; Solid Waste Planning; and Resource Recovery Demonstration Projects.

Congressional findings with regard to the Act focus on protection of health and environment, the waste of non-recovered materials, and the potential energy resource of discarded materials. As noted in the legislation, it is clear that "disposal of discarded materials and hazardous waste in or on the land without careful planning and management can present a danger to human health and the environment."

The Resource Conservation and Recovery Act is integrated with and amends several provisions of the Solid Waste Disposal Act of 1965. Many of the Federal assistance programs are altered or expanded.

Title I General Provisions

. Sets forth Congressional findings, purposes of the Act, and definitions to be used in the Act administration. Included in the definitions are:

1) "Discarded material" means any garbage, refuse, sludge, or other waste, including solid, liquid, semisolid, or contained gaseous material from any source.

2) "Hazardous waste" means a discarded material, or combination of discarded materials, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may

- cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or

- pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

3) "Resource conservation" means the reduction of overall resource consumption, and utilization of recovered resources.

4) "Resource recovery" means the recovery of material or energy from discarded material.

Title II Office of Discarded Materials; Authorities of the Administrator

. Establishes an Office of Discarded Materials within EPA to carry out this Act and the Solid Waste Disposal Act.

. Provides for studies of discarded material management, impacts on discarded materials in sludge and mining activities.

. Establishes a grant program for discarded tire disposal.

Title III Hazardous Waste Management

. Establishes standards for identification, generation, transportation, treatment, storage, and disposal of hazardous waste.

. Sets up permit system for hazardous waste treatment, storage, and disposal facilities.

. Enacts guidelines for providing assistance to States in the development of State hazardous waste programs.

Title IV State or Regional Discarded Materials Plans

- Provides for State and regional planning for the disposal of discarded materials in manners which maximize resource recovery and conservation.
- Sets standards for improving and upgrading sanitary landfills and open dumps.
- Establishes a grant program for implementation of the Title.

Title V Duties of the Secretary of Commerce in Resource Conservation and Recovery

- Enables the Secretary of Commerce to encourage commercialization of resource recovery technology through information exchanges, market identification, and new uses for recovered materials.

Title VI Federal Responsibilities

Title VII Miscellaneous Provisions

Part II of the Act is cited as the Solid Waste Research and Development Act of 1976. After noting the diminishing availability of solid waste disposal sites and the potential energy source of recovered wastes, the Act encourages the development and demonstration of energy-related research projects in the solid waste area. Provision is also made for the funding of certain demonstration projects. The Act significantly amends Section 204 of the Solid Waste Disposal Act.

WASTE WATER
WATER POLLUTION

Federal Water Pollution Control Act Amendments of 1972
Public Law 92-500
33 U.S.C. 1421

Most recent activity and comment in the water pollution field have focused on the Federal Water Pollution Control Act Amendments of 1972. While Public Law 92-500 is the most significant statute in this area, it is the culmination of a series of acts which should be considered.

The Rivers and Harbors Act of 1899 (33 U.S.C. 407) prohibited the discharge of refuse into navigable waters of the United States unless a permit had been issued by the Army Corps of Engineers. This law would be of little significance were it not for the fact that "refuse" has been interpreted to mean pollutants of all types; as a result, it has been utilized recently to limit pollution and enforce permit requirements.

The Water Pollution Control Act of 1948 (33 U.S.C. 1151) was the first in a series of acts building the present body of laws dealing with water pollution. The purpose of the Act was to "enhance the quality and value of our water resources," and it recognized the primacy of the states in the field of water pollution control.

The Federal Water Pollution Control Act of 1956 (33 U.S.C. 1151) extended the 1948 law and gave the federal government greater abatement authority. Additionally, the sewage construction loan program was changed to a grant program with guidelines to give most assistance to smaller communities. The Act continued to be administered by the Public Health Service within HEW. The 1956 Act set no specific standards for states to meet.

The Federal Water Pollution Control Act Amendments of 1961 (33 U.S.C. 1151) further expanded federal abatement authority. It also increased the monies available for construction grants and the types of facilities for which grants were available. The Secretary of HEW was given direct authority for water pollution programs.

The Water Quality Act of 1965 (33 U.S.C. 1151) was the first legislation to establish water quality standards which were enforceable by the state and federal governments. States were given the opportunity to set standards, with the federal government setting standards for states which failed to act. Federal abatement authority was extended to pollution of totally intrastate waters in cases of "substantial economic injury." Also the Federal Water Pollution Control Administration was created to handle all water pollution programs

The Clean Water Restoration Act of 1966 (33 U.S.C. 431) made substantial increases in federal grant assistance to enable states to comply with the 1965 Act. Among other provisions, grants would be available for larger construction projects. Additionally, the Act prescribed interstate water quality standards, expanded oil pollution control prohibitions, and made greater authorizations for research activities.

The Water Quality Improvement Act of 1970 (33 U.S.C. 1151) gives the federal government expanded authority to deal with oil pollution and established state certification procedures to prevent degradation of water. The Act provides heavy fines for persons responsible for oil spills, and may require the owner or operator to pay oil clean-up costs if willful negligence or misconduct is

involved. Another provision in the law calls for the control of sewage from vessels. Also, applicants for a federal license or permit for facilities which may be a source of pollution must assure the maintenance of water quality standards; this provision has had most impact on nuclear facilities and dredging operations.

The 1972 Amendments to the Federal Water Pollution Control Act represent the most extensive and far-reaching legislation ever enacted at the Federal level pertaining to water pollution abatement and control. Building upon earlier water pollution control legislation, of 1948 as amended in 1956, 1961, 1965, 1966 and 1970, these Amendments established a tight regulatory system with precise and detailed abatement requirements, streamlined enforcement procedures, and heavy penalties for violations.

The five titles of the Act provide for a comprehensive system of cleaning up the Nation's waters with the ultimate goal of eliminating the discharge of all pollutants into navigable waters by 1985; an interim goal is a level of water quality that protects fish, shellfish, and wildlife and recreation by 1983. At the heart of the law is the National Pollutant Discharge Elimination System (NPDES) permit program. Under the 1972 law, it is (or will be) illegal to discharge any pollutant into the Nation's waters without an NPDES permit.

A key provision of the 1972 Amendments is Section 208. Section 208 establishes a procedure for states and regional agencies to follow in establishing regulatory programs to control various types of non-point source pollution. Following designation of a representative

organization, a plan encompassing "a continuing areawide waste treatment management planning process" is developed and submitted to EPA for approval.

The Section 208 plan is required to consider the following: treatment works necessary; construction priorities; agriculturally and silviculturally related non-point pollution sources; mine-related pollution sources; construction activity related to pollution; salt water intrusion into rivers, lakes and estuaries; disposition of all residual wastes; and disposal of pollutants on land or in subsurface excavations. Following EPA approval of a Section 208 plan, no permits can be issued not in conformity with it.

Title I Research and Related Programs

- Sets goals and policies regarding the Nation's waters providing for standards which result in:
  1) the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water by July 1, 1983.
  2) the elimination of the discharge of all pollutants into the navigable waters by 1985.
- Encourages cooperative activities by States for the prevention and control of pollution.
- Authorizes the establishment of national programs for the prevention, reduction and elimination of pollution through a wide range of research, investigation, training and information activities.
- Establishes a program of grants for research and development, pollution control programs, water pollution control training, and specific demonstration projects.

Title II Grants for Construction of Treatment Works

- Provides that waste treatment plans and practices shall provide for the application of the "best practicable waste treatment technology."

- Authorizes EPA to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works up to 75% of the cost of such construction.

Section 208:

- Calls for areawide waste treatment and water management plans to control non-point source pollution for those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems. Such plans shall incorporate abatement facilities, construction priorities, land use, regulatory programs and economic growth considerations.

- Provides grants for Section 208 waste treatment management planning process, initially up to 100% of such costs.

Title III Standards and Enforcement

- Establishes effluent limitation guidelines for public and non-public point sources as either the equivalent of secondary treatment or the "best practicable technology." For industries this goal must be attained by July 1, 1977.

- Provides for the publication of information on the causes, impact, measurement and prevention of pollution.

- Charges EPA with promulgation of effluent limitation standards from various sources, and for toxic and pretreatment effluents.

- Establishes civil and criminal enforcement procedures for violations of effluent limitation, standard of performance or pretreatment standards.

- Prohibits the discharge of oil or other hazardous substances into or upon the navigable waters of the United States, and imposes liability for the removal of such substances.

- Calls for the promulgation of regulations concerning marine sanitation devices to prevent the discharge of sewage into or upon the navigable waters.

Title IV Permits and Licenses

- Establishes a system and guidelines for the issuance of permits for the discharge of pollutants, this is known as the National Pollutant Discharge Elimination System (NPDES).

- Limits any discharges into the territorial sea, waters of the contiguous zone or oceans; limits the discharge of dredged or fill materials into the navigable waters; limits the disposal of sewage sludge into the navigable waters.

Title V Administration

- Sets forth guidelines for administration advisory boards, and definitions for implementing the Act.

Marine Protection, Research and Sanctuaries Act of 1972
(Ocean Dumping)
Public Law 92-532
33 U.S.C. 1401

The Marine Protection, Research and Sanctuaries Act of 1972 was one of several laws enacted in the early 1970s because of the concern over water pollution. In an effort to control ocean pollution, the Act is designed to regulate dumping, undertake research to end all ocean dumping, and create marine sanctuaries.

All unauthorized ocean dumping of materials is prohibited by the Act. In addition, a permit program is established for transporting materials for ocean dumping and for dumping, itself. Whenever possible, dumping sites are designated beyond the Continental Shelf.

The Act provides for a basic research program designed to minimize or end all ocean dumping within five years from the date of enactment. In addition,studies are to be made on the long-range effects of pollution, overfishing, or other man-induced changes in ocean ecosystems.

The Secretary of Commerce is given authority to designate marine sanctuaries which should be preserved or restored for their conservation, recreational, ecological or esthetic values. No permit activity can be carried out in marine sanctuaries, which may extend to the outer edge of the Continental Shelf.

The Ocean Dumping Act is to be jointly administered by EPA, the Department of Commerce, the Army Corps of Engineers, and the Coast Guard. The Act includes several civil and criminal penalties and allows for private citizen suits to assist in enforcing its provisions.

Section 2: Finding, Policy, and Purpose

- "Unregulated dumping of material into ocean waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities."

- The purpose of the Act is to regulate the dumping of material into ocean waters.

Title I Ocean Dumping

Section 101: Prohibited Acts

- Prohibits the transportation from the U.S. and dumping of all materials, except as authorized by permit.

Section 102: Environmental Protection Agency Permits

- Prohibits the issuance of permits for dumping of radiological, chemical, and biological warfare agents and high-level radioactive wastes.

- Authorizes criteria for permit issuance which consider the need for dumping, and economic, health, wildlife and ecosystems effect of dumping.

Section 103: Corps of Engineers Permits

- Allows special permits for dumping of dredged material, if Section 102 criteria are considered.

Section 104: Permit Conditions

- Permits issued shall designate:

  -type of material
  -amount of material
  -location of dumping
  -length of time of permit
  -other special provisions.

Section 105: Penalties

- Establishes civil penalties up to $50,000 and criminal penalties of up to $50,000 and one year in prison.

Title II Comprehensive Research on Ocean Dumping

- Authorizes the Department of Commerce, Coast Guard, and EPA to begin "a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters." This is to include consideration of long-range effects on the ocean ecosystems and a report to Congress, annually.

- An ultimate goal of the research is to end all ocean dumping within five years.

Title III Marine Sanctuaries

- Authorizes the designation of marine sanctuaries "necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values."

- Permits regulations to be issued to control activity within marine sanctuaries.

Oil Pollution Act of 1961
Public Law 87-167
33 U.S.C. 1001

The Oil Pollution Act of 1961 was enacted at a time when there was very little other water pollution control legislation; it was partially in response to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954. This Convention was amended by the Inter-Governmental Maritime Consultive Organization in 1971 and the Oil Pollution Act was amended in 1973.

The basic prohibitions of the Act relate to discharges from ships and tankers. The Coast Guard and the Department of Commerce are responsible for enforcement of the Act.

Section 1: Short Title - Oil Pollution Act

Section 2: Definitions (including the follwoing)

- The term "instantaneous rate of discharge of oil content" means the rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant.

Section 3: Discharge Prohibition

- The discharge of oil or oily mixtures from a ship is prohibited. Limited discharge is allowed if: the ship is enroute, the discharge is less than sixty liters per mile, the mixture is of low concentration, and the discharge is as far from land as possible.

- Tanker discharge is similarly limited so long as it takes place at least fifty miles from shore.

Section 4: Excepted Discharge

- Discharge prohibitions do not apply in cases of ship safety or ship damage.

Section 5: Cargo Tanks

- Discharge of tanker ballast from a cleaned tank is not prohibited.

Section 6: Construction Standards

- Construction of tankers in the U.S. must take place in accordance with annex C of the Convention, relating to tank arrangements and limitations of tank size.

- Tankers which do not comply with annex C can be denied access to U.S. ports and offshore terminals.

Section 7: Penalties

- Civil penalties of $5,000 and criminal penalties of $10,000 or one year imprisonment are set forth.

Section 10: Oil Records Book

- Oil record books are supplied to all vessels subject to the Act to record loading, transfer and discharge information.

Section 12: Boarding of Ships

- Authority is granted to board any ship to which the Convention applies to examine oil record books and discharge operations.

ENERGY

Energy Supply and Environmental Coordination Act of 1974
Public Law 93-319
15 U.S.C. 791

A great deal of the pollution control type of environmental legislation was in place when the need for energy laws was recognized. The major impetus for passage of these laws was the shortage of petroleum products in 1973 and 1974. A crisis situation in heating and transportation needs led to enactment of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 753); a similar measure to deal with natural gas allocation problems was passed in 1977 (P.L. 95-2).

In 1974, four significant pieces of energy-related legislation became law. The Federal Energy Administration Act of 1974 (15 U.S.C. 761) created the Federal Energy Administration (FEA) and defined its duties in such areas as allocation, conservation, and planning. The Energy Reorganization Act of 1974 (5 U.S.C. 5313 and 42 U.S.C. 5801) reassigned a number of federal energy responsibilities and created the Energy Research and Development Administration (ERDA) and the Nuclear Regulatory Commission (NRC). The Solar Energy Research, Development and Demonstration Act of 1974 (42 U.S.C. 5551) represents the first major federal commitment in the area of solar energy.

The fourth major law of 1974 was the Energy Supply and Environmental Coordination Act. As its name implies, the purpose of the Act was to make use of available energy resources without sacrificing environmental protection. Parts of the Act administered by FEA call

for the use of coal in place of natural gas and petroleum products. As a necessary correlate, other parts of the legislation administered by EPA amend the Clean Air Act to allow for the suspension of emission standards, provided for energy conservation and fuel economy studies, and enabled FEA to obtain more reliable energy information.

Section 1: Short Title; Purpose

- This Act may be cited as the "Energy Supply and Environmental Coordination Act of 1974."
- The basic purpose of the Act is to assist the U.S. in meeting essential fuel needs consistent with the commitment to improve and protect the environment.

Section 2: Coal Conversion and Allocation

- FEA Administrator is given authority to prohibit power plants and other major fuel burning installations from using natural gas or petroleum products as the primary energy source.
- This prohibition can only be made if the facility can burn coal, coal is available, service will not be affected, notice is given, and other requirements are met.
- Additionally,power plants in the planning stage must be built with coal-burning capability.

Section 3: Suspension Authority

- Title I of the Clean Air Act is amended to allow the EPA Administrator to temporarily suspend certain emission limitations because of unavailability of fuel or because of an FEA order requiring the use of coal.
- Any suspension of standards must be temporary and include compliance dates.
- Reports to Congress on the impact of fuel shortages, fuel allocation, and emission reduction technology on the Clean Air Act are required.

Section 4: Implementation Plan Revisions

- States may be allowed to revise their implementation plans required under the Clean Air Act as they affect fuel burning stationary sources.

Section 5: Motor Vehicle Emissions

- The Clean Air Act is amended to delay carbon monoxide and hydrocarbon standards to 1977 and nitrogen oxide standards to 1979.

Section 6: Conforming Amendments

Section 7: Protection of Public Health and Environment

- Low sulfur coal is to be allocated in order to minimize adverse health impacts, and studies to determine the health effects of sulfur oxides.

Section 8: Energy Conservation Study

- FEA and DOT are directed to undertake energy conservation studies with examination of such things as export restrictions, resource recycling, industrial uses, and means to increase the use of mass transit facilities.

Section 9: Report

Section 10: Fuel Economy Study

- Amends Title II of the Clean Air Act to call for a feasibility study on a 20% fuel economy improvement standard from date of enactment to model year 1980.

Section 11: Reporting of Energy Information

- Any person engaged in the production, processing, refining, transportation, or distribution of energy resources may be required to submit data to FEA as is necessary to formulate national energy policy.

- Reports compiled by FEA must contain information on domestic reserves and production, imports, refinery activities, and inventories of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal.

Section 12: Enforcement

. Enumerates several prohibited acts and sets forth a schedule of civil and criminal penalties.

Energy Policy and Conservation Act of 1975
Public Law 94-163
42 U.S.C. 6201

The Energy Policy and Conservation Act expanded Presidential authority in the areas of energy rationing and conservation. Energy conservation plans are called for in the Act as is improved energy efficiency of motor vehicles, major appliances, and other consumer products. A Strategic Petroleum Reserve is created to deal with severe energy supply interruptions. The Act establishes minimum fuel economy standards requiring 18 miles per gallon for 1978 model years and proceeding to 27.5 miles per gallon for 1985 model years.

Portions of the Act substantially amend the Emergency Petroleum Allocation Act of 1973 and the Energy Supply and Environmental Coordination Act of 1974. The law is administered in part by the Federal Energy Administration and in part by the Environmental Protection Agency.

Title I Matters Related to Domestic Supply Availability

- A federal loan guarantee program is established for persons desiring to develop underground mines.
- The President is given authority to restrict exports of coal, petroleum products, natural gas, or petrochemical feedstocks.
- "Maximum efficient rate of production" is defined and authority is given to impose this standard on all operations producing significant amounts of crude oil or natural gas.
- Provides for creation of a Strategic Petroleum Reserve for the storage of up to one billion barrels of petroleum products within three years from effective date of the Act.

- An Early Storage Reserve, Industrial Petroleum Reserve, and Regional Petroleum Reserve are established to deal with short-term, industrial and regional energy supply problems.

- Standards are established for use of reserve energy supplies.

Title II Standby Energy Authorities

- The President is given authority to draw up and transmit to Congress an energy conservation contingency plan and a rationing contingency plan.

- An energy conservation contingency plan can impose restrictions on public and private energy use; a rationing contingency plan can impose rationing and priority among users.

- Standards are established for implementation of the international energy program, concerning allocation needs and international energy emergencies.

Title III Improving Energy Efficiency

- The EPA Administrator is given authority to impose fuel economy standards on passenger automobiles, which minimums shall be 18 miles per gallon for model year 1978 and 27.5 miles per gallon for model year 1985.

- In establishing passenger automobile and other vehicle fuel standards, factors to be considered include technological feasibility, economic practicability, other Federal motor vehicle standards, and the national energy situation.

- "Consumer products" and "energy efficiency standards" are defined for purposes of improving energy efficiency for a range of household products.

- EPA Administrator is given authority to set energy efficiency improvement targets for all covered products, and to requiring energy efficiency information to be placed on all labels.

- Guidelines are established for state energy conservation plans relating to such matters as buildings, transportation, and energy efficiency. A program of Federal assistance in plan implementation is also provided for.

Title IV Petroleum Pricing Policy and Other Amendments to the Allocation Act

- See the Emergency Petroleum Allocation Act of 1973.

Title V General Provisions

- Standards are established for the verification of energy production, processing and supply information of private persons and companies.

- Sets forth a series of prohibited acts directly relating to the Act, enforcement procedures, and penalties.

RELATED ENVIRONMENTAL LEGISLATION CITATIONS

Related Environmental Legislation Citations

Coastal Zone Management Act of 1972 (16 U.S.C. 1451)

Deepwater Port Act of 1974 (33 U.S.C. 1501)

Endangered Species Act of 1973 (16 U.S.C. 460k-1)

Endangered Species Conservation Act of 1969 (16 U.S.C. 668aa)

Federal Hazardous Substances Act (15 U.S.C. 1261)

Federal Power Act (16 U.S.C. 791)

Federal Water Project Conservation Act of 1965 (16 U.S.C. 460L-12)

Fish and Wildlife Act of 1956 (16 U.S.C. 742c)

Fish and Wildlife Coordination Act of 1965 (16 U.S.C. 667)

Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1101)

Migratory Bird Conservation Act (16 U.S.C. 715)

Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. 528)

National Trails System Act (16 U.S.C. 1241)

Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221)

Saline Water Conservation Act of 1952 (42 U.S.C. 1951)

Submerged Lands Act of 1953 (10 U.S.C. 7421; 43 U.S.C. 1301)

Water Resources Planning Act of 1965 (42 U.S.C. 1962)

Water Resources Research Act of 1964 (42 U.S.C. 1961)

Water Supply Act of 1958 (43 U.S.C. 390b)

Wetlands Act of 1961 (16 U.S.C. 715k)

Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271)

Wild Life Restoration Act (16 U.S.C. 669)

Wilderness Act of 1964 (16 U.S.C. 1131)